

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES,
Plaintiff,

vs.

GARY STEPHEN MAYNARD,
Defendant.

Sacramento, California
No. 3:21-mj-00007-DMC
September 10, 2021
2:23 p.m.

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TRANSCRIPT OF PROCEEDINGS
MOTION FOR BAIL REVIEW
BEFORE THE HONORABLE ALLISON CLAIRE, MAGISTRATE JUDGE

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APPEARANCES:

For the Plaintiff:

UNITED STATES ATTORNEY'S
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Sacramento, CA 95814
By: MICHAEL DWIGHT ANDERSON
Assistant U.S. Attorney

For the Defendant:

OFFICE OF THE FEDERAL
DEFENDER
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By: HANNAH LABAREE
Assistant Federal Defender

(Appearances continued on following page)

*Proceedings recorded by electronic sound stenography;
transcript produced by official court reporter*

1 APPEARANCES (Continued):

2

3 Court Recorder:

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1 SACRAMENTO, CALIFORNIA, Friday, September 10, 2021, 2:23 p.m.

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3 (In open court.)

4 THE CLERK: Calling case number 21-MJ-007; United
5 States versus Gary Stephen Maynard. This is on calendar for
6 motion for bail review, your Honor.

7 THE COURT: Appearances, please.

8 MR. ANDERSON: Good afternoon, your Honor. Michael
9 Anderson on behalf of the United States, and the government
10 agrees to proceed via Zoom.

11 THE COURT: Good afternoon, Mr. Anderson.

12 MS. LABAREE: Good afternoon, your Honor. Hannah
13 Labaree for Mr. Maynard. He is appearing by video
14 teleconference from the Sacramento County Jail. He does
15 consent to appear by Zoom today.

16 I would ask for a few minutes in a breakout room to review
17 the contents of the Pretrial report.

18 THE COURT: Okay. I will give you that, and I would
19 make one comment before you do that so that this can be
20 something you discuss.

21 One of the concerns that I have is the discrepancy between
22 the defense proffer and the Pretrial Services report about the
23 availability of family support for paying rent. The defendant
24 doesn't seem to have income, and the board and care residential
25 proposal is not free. So I'm going to ask counsel to address

1 that when we're back.

2 Let's take a five-minute recess and put Ms. Labaree and
3 Mr. Maynard into a breakout room. Thank you, everyone.

4 (Recess taken, 2:24 to 2:31 p.m.)

5 THE COURT: All right. We are back on the record.

6 THE CLERK: Would you like the matter recalled?

7 THE COURT: Yes, please.

8 THE CLERK: Calling 21-MJ-007; United States versus
9 Gary Stephen Maynard. This is on calendar for motion for bail
10 review, your Honor.

11 THE COURT: All right. Hello, Mr. Anderson,
12 Ms. Labaree, and Mr. Maynard.

13 Ms. Labaree, do you want to proceed today or where are you?

14 MS. LABAREE: We do want to proceed. I think the
15 specific issue you had raised before I went into the breakout
16 room has been resolved.

17 It became -- it came to my attention just before court, and
18 I believe Officer Walker has reached back out to Mr. Maynard's
19 father to clarify, so perhaps we can get it from him.

20 THE COURT: Let's just pause for me to specify that I
21 have read the detention memo that was submitted, not for
22 purposes of today, but the first time around -- just to get a
23 sense of the government's concerns -- the defendant's motion
24 for bail review, the original report and the supplemental
25 report.

1 Mr. Walker recommends against release. And what is
2 proposed by the defense is Mr. Maynard's release to a board and
3 care facility that they have located in South Sacramento where
4 a room is being held for him, and my concern was about whether
5 he actually knew that this was going to work out or not.

6 Mr. Walker, do you have an update for me?

7 PRETRIAL SERVICES: Yes. The only update I have is
8 that I did speak with defendant's father, and he did indicate
9 that he would be willing to pay the rent until Mr. Maynard
10 could pay the rent on his own.

11 THE COURT: Okay. So the proposal made by the
12 defense is available, and I'll hear from both sides and let you
13 argue. I want to start just by saying, so you both have some
14 idea of how I'm looking at this. You know, there's a package
15 that's been proposed that's new information sufficient to
16 reopen, as far as I'm concerned.

17 I share every one of the government's danger concerns, and
18 legally I agree with Ms. Labaree because the offense charged
19 here is not one specified in (f)(1). Detention is only on the
20 table as an option if there -- if the government can establish
21 a serious risk of flight, something more than the risk of
22 flight that's always present when someone is being charged.

23 So, actually, I'd like Mr. Anderson to start with that, and
24 the things that strike me as being the most significant flight
25 risk factors in this case are the defendant's lack of

1 significant ties to this community and his peripatetic history,
2 which Ms. Labaree has a completely plausible explanation for
3 given the academic job market, I find that entirely
4 unsurprising, but I also understand why it raises arguably more
5 than the typical flight risk concerns.

6 But what makes this a serious flight risk and why aren't
7 concerns based just on those factors merely speculative? Is
8 there anything in particular here that indicates that this
9 defendant has demonstrated some intent to flee?

10 MR. ANDERSON: Yes, your Honor, thank you. So
11 this -- this case raises really particular dangerousness and
12 flight risk concerns, and unusually they're woven together a
13 little bit. So part of what makes this case and this defendant
14 so dangerous is the type of offense he's committing and also
15 the way that he's committing it.

16 THE COURT: I really do want -- I'm sorry to
17 interrupt you.

18 MR. ANDERSON: I will link it.

19 THE COURT: I need to know why this is a serious
20 flight risk case such as I ask the question, are there
21 conditions sufficient to contain danger? And the dangerousness
22 of the offense conduct is perfectly obvious to me.

23 MR. ANDERSON: Yes, absolutely, and I'm trying to
24 answer your question, your Honor. I'm sorry I'm kind of
25 winding to it. But the way that he commits this offense

1 through movement around the state, across huge geographic
2 areas, he was very, very mobile. And mobile in a way that was
3 consistent with someone who is being motivated by things that
4 are different than what's motivating a lot of the people that
5 come before the Court.

6 This isn't an arson for profit; this is an arson for
7 revenge. This is somebody who's driven by some other type of
8 instinct or force or desire to commit these arsons. And, as a
9 result, he is driving hours and hours through the day and
10 night, as is reflected in the complaint affidavit, in order to
11 move from one location to the other side of California, another
12 location, in this very, very unstable way that's consistent
13 with somebody who is just not going to be reliable for
14 appearing in a court or even staying within the district, let
15 alone staying where he can be monitored. And I know I'm
16 touching on the dangerousness issue you don't want to get to
17 yet, but then it leads into that other issue.

18 He just has no -- it's not just an instability in the job
19 market -- which frankly is kind of understandable in that
20 career field at this time -- this is an instability that goes
21 so much deeper into the way that he's functioning and
22 interacting with the world. There's just nothing that's tying
23 him down to the district, and there's, frankly, nothing that
24 was even tying him to a specific location for more than, you
25 know, a day or two. Even hour to hour, this is somebody who is

1 on the move, who is being driven to go places, and,
2 unfortunately, ultimately, commit arson in these locations in a
3 very, very, dangerous way. But he's simply not somebody who
4 can be addressed, as far as I can see from the record, in the
5 way that we would try to address the flight risk concerns with
6 many of the defendants that come before the Court. This is a
7 very different and much more unusual situation.

8 THE COURT: Thank you. I understand that argument,
9 and I think it's a strong one.

10 So, Ms. Labaree, setting aside any implications, I think
11 any of us would just be speculating right now about forces that
12 motivate the alleged offense conduct.

13 But simply given the pattern of movement involved in the
14 offense conduct, I understand your client doesn't have a car
15 anymore. But, even so, why doesn't that pattern itself
16 demonstrate a serious flight risk in the first instance, and
17 secondarily one that I can't reasonably expect would be
18 contained by releasing him to a board and care facility?

19 MS. LABAREE: Well, I think the first thing is that
20 simply the movement around this state does not equal flight
21 risk. In other words, Mr. Maynard -- the question for this
22 Court is twofold. It's whether a serious risk of flight, in
23 other words, is he going to flee from these charges? And the
24 other one is, is there a risk of his nonappearance in court?

25 The fact that he was somewhat itinerant in the month and a

1 half leading up to his arrest in this case simply does not
2 equate with a serious risk that he's not going to be able to
3 get it together to be in court in front of federal proceedings.

4 He has absolutely no history of that, and he has a very
5 minor criminal history dating to 20 plus years ago, so to the
6 degree that we know anything about his court appearances, you
7 know, that that's the data we have.

8 Beyond that, I think, you know, this is -- this is not
9 somebody with a lot of financial resources. I think that's
10 abundantly clear from the amount of work I've had to do to put
11 together a bond package and find suitable housing for him.

12 As this Court noted, the car, which was the source of his
13 mobility, has been seized by the government as evidence in this
14 case; he cannot buy a new one. Any speculation as to whether
15 he will have access to another vehicle is just speculation.

16 He specifically requested that he be housed in Sacramento
17 so that he would have access to the court and to the Federal
18 Defender's Office. And we found him a place that is close
19 to -- or fairly close, it looks like sort of a hike -- but to
20 the light rail so he has a direct line to downtown Sacramento.

21 So this bond package is specifically designed to consider
22 how do we route this person in the exact district, and even
23 close to the venue within the district that his charges are out
24 of.

25 But that being said also, clearly there are additional

1 conditions available to this Court to impose that can even more
2 firmly tether him and tether him to potential violations such
3 as curfew, ankle monitoring, even to home detention if this
4 Court is so inclined to do that.

5 And I think I did put in my motion the conversation with
6 the owner of the room and board. I did make clear what the
7 charges were in this case because I didn't want it to come back
8 around on us that this wasn't an acceptable release location,
9 and she's aware of that.

10 THE COURT: Mr. Walker, when you wrote the report,
11 you had not heard back from the board and care operator. Do
12 you have any information about any possible limitations on your
13 ability to do location monitoring at that location should I
14 grant --

15 PRETRIAL SERVICES: I don't have any information on
16 that because I haven't spoken with her.

17 THE COURT: Ms. Labaree, have you or your social work
18 team directly discussed the requirements of the location
19 monitoring program, which I know you're familiar with, with the
20 operator?

21 MS. LABAREE: In my brief conversation with the
22 owner, I did mention that we're awaiting to hear what
23 conditions were going to be imposed, and that location
24 monitoring might be one of them.

25 So again, just like the nature of the charges in this case,

1 that did not deter the offer of an open room.

2 THE COURT: And my memory is failing me a little bit.
3 Usually are the questions related to the availability of
4 location monitoring dependent on there being a landline?
5 Mr. Walker, can you tell me what the --

6 PRETRIAL SERVICES: A landline is not required. We
7 have technology. Yeah.

8 THE COURT: All right.

9 I am seriously considering a \$25,000 appearance bond to be
10 cosigned by the father with location monitoring and home
11 detention at the board and care facility.

12 I think it is a very close call, and under the statutes
13 very close calls need to be resolved in favor of the defendant.
14 It seems to me that if he is subject to Pretrial Services
15 supervision with a mental health condition, an ankle monitor,
16 and home detention, the restrictions on his ability to flee or
17 to pose any danger to the community with additional conduct
18 would be adequately contained. We'd also, of course, need a
19 condition barring him from any national or state forest or
20 other public lands, all public lands, BLM, I think most of them
21 are closed right now given the fire situation.

22 Mr. Anderson, I know you object to this. But what other --
23 if I'm going to do it, what other conditions, because I want to
24 put it all on the table, and then we'll take a five-minute
25 recess so Mr. Walker can draft something in email to all of us.

1 What other conditions would you insist on while reserving your
2 objections to the very concept?

3 MR. ANDERSON: May I make the objections and attempt
4 to change your mind first, your Honor, and then --

5 THE COURT: Sure.

6 MR. ANDERSON: So, your Honor, taking some comfort in
7 the idea of ankle monitoring, and I want to say that in this
8 case that's a condition that is not nearly as helpful as in
9 most cases. And, in fact, the actual facts in this case show
10 that.

11 We had a monitor on the defendant's car for a period of
12 time, and he disappeared. And even with the devoting a
13 substantial amount of law enforcement resources to tracking him
14 and the existence of the tracker, he still was able to
15 disappear and still was able to commit additional arsons that
16 placed firefighters at risk.

17 THE COURT: But did he know -- he didn't know there
18 was a tracker on his car. This was part of the investigation,
19 correct?

20 MR. ANDERSON: He didn't, your Honor, but if he were
21 to remove this tracker, as people do when they know that they
22 exist and that happens, he would disappear, and he would
23 disappear long enough potentially to -- I don't want to
24 overstate this, your Honor, because I don't want to look
25 like -- but the danger in this case is so, so substantial.

1 Entire communities have burned this year, we're in the midst of
2 just an exceptionally dangerous fire season. We have been
3 fortunate that there have been few, if any, deaths this year.
4 But we know from prior years just how dangerous these fires
5 are.

6 The ankle monitor just doesn't do the work in this case --
7 although it is better than nothing, it absolutely does not do
8 the work in this case that it does in other cases where we
9 think, "Okay, well, if somebody starts to flee, they'll cut the
10 ankle monitor, and that will give us time to catch them before
11 they get an international flight or before they cross the
12 border into Mexico."

13 Here that's not the concern. Here the concern is he cuts
14 the ankle monitor and disappears, and it takes five days or a
15 week or two weeks to find him. And in the course of that time
16 period there's been, you know, devastation that's been racked
17 on the community as a result of that. So that's my concern
18 with the ankle monitor. It just doesn't do what we hope it
19 does.

20 The bond package -- again, a bond is better than no bond.
21 But here a bond package is usually a means of convincing a
22 person not to flee because they don't want to damage the loved
23 ones or others around them. But we're still, and I realize it
24 is speculation to think about why he's committing these crimes,
25 but it is very likely, given the way that they're being

1 committed and what he's doing, that it's not the subject of a
2 process that we can say, "Well, there's a \$25,000 bond, and you
3 don't want to lose that bond or put your family at risk for
4 losing that \$25,000; therefore, he's going to stay."

5 It's not the type of thing where you can influence him as
6 easily as you could in one of our fraud cases, or in, you know,
7 even a guy in a drug case, often you can find a package that
8 really works using a bond. And this just isn't that type of
9 case.

10 So doing my best to try to get -- I've always appreciated,
11 your Honor, you're willing to listen and think through what
12 we're arguing, even if you're headed in a different direction,
13 but I'm really trying to do my best to try to convince you.

14 THE COURT: And you're being very persuasive.
15 Although, I do think that there's a certain amount of
16 speculation about what is going on with this defendant
17 psychologically, and I have great concerns about that. I just
18 don't think I have any information, you know, on which to base
19 accepting the things that you are implying or assuring myself
20 that I don't need to worry about them, right?

21 When it comes to the bond, my concern, actually, is that he
22 does not appear to have a close relationship with his father,
23 that's very clear. So the one family member who has offered to
24 cosign an unsecured bond is not someone who I can count on
25 Mr. Maynard to care about sufficiently, that he would be

1 motivated to make his appearances by desire not to harm the
2 father.

3 Ms. Labaree, I don't mean to put you on the spot with this
4 one, but I know that there are also some siblings. Is there
5 any reason to think that additional time to reach out to them
6 might come up with additional sureties, maybe even some
7 property, or are you just going to rest on what you've got in
8 terms of family?

9 MS. LABAREE: Your Honor, I do not believe that
10 additional time would yield more sureties. We've worked on
11 this case, and I've spoken to his -- I've spoken to his dad
12 multiple times a week since Mr. Maynard was charged. He's
13 extremely concerned about his son, and, you know, I don't --
14 these are not people who have dinner every Sunday night, and
15 Mr. Maynard is a grown man and doesn't have a super close
16 relationship with his family in the sense of talking often, but
17 he certainly would not run out on his father for \$25,000. He
18 is very aware of his dad's retiree status and is very concerned
19 about his dad. If I could, if there are other of
20 Mr. Anderson's arguments that you would like --

21 THE COURT: I'm not sure he was done, so let me make
22 sure that Mr. Anderson is able to make every argument he wanted
23 to make to talk me out of where I might have been headed, and
24 then I'll respond to all of them.

25 MR. ANDERSON: So the overall argument is just this

1 isn't a case where these types of conditions accomplish what
2 we're hoping to accomplish. And as far as the concern about
3 are we speculating about his motivations or why he's doing what
4 he's doing, I think it's beyond speculation.

5 And the reason it's beyond speculation is because we have a
6 lot of evidence collected about the conduct that he actually --
7 he did, and it varies so dramatically from other cases where
8 there's another motive. And I mentioned before a profit
9 motive -- we see that in arson cases in federal court -- and
10 sometimes those individuals are suitable for release. We can
11 get packages together that make sense for them.

12 Sometimes we see sort of a revenge or a
13 I-don't-like-my-employer type of motive, and you can start to
14 think about how you can create conditions that make it so that
15 that person is less dangerous.

16 Here we're in a situation where the only motive that's
17 really left is that he has a desire to commit these arsons.
18 And he's a smart guy, clearly, very knowledgeable, and he
19 committed them in a particularly dangerous way.

20 I mean, this is an insanely dangerous crime, but he did it
21 in a way that was -- could not have been better plotted in
22 order to trap firefighters between the existing Dixie Fire and
23 the fires that Mr. Maynard was setting.

24 But for the Forest Service working so hard and monitoring
25 him, and the monitor on his vehicle and his phone and them

1 being nearby, those fires very well could have spread, and we
2 could be talking about dead firefighters rather than talking
3 about a fire source stopped.

4 THE COURT: And when -- I don't disagree with you
5 about the inference that those facts supports about a likely
6 motive for committing the crimes.

7 Where I'm pointing out, I think perhaps a leap too far in
8 terms of inferences, is to say, therefore, this is a defendant
9 who suffers from such a compulsion that he would not be
10 constrained having been criminally charged, having been
11 arrested and jailed, that he would be unable to control himself
12 and comply with conditions of release even when on Pretrial
13 Services supervision, on home detention, and with an ankle
14 monitor, banned from public lands. That's where I don't know
15 that there is factual support.

16 MR. ANDERSON: I think that's a good point to raise,
17 and I'm glad the Court is bringing that up. Because it is hard
18 to know exactly how he would react to these situations, but we
19 do have a few pieces of knowledge. We know that he's had a lot
20 of instability in his life with jobs and moving around. We
21 also know that when arrested, he threatened the law enforcement
22 officers that he would kill them.

23 THE DEFENDANT: (Inaudible.)

24 MR. ANDERSON: So we know there's some --

25 THE COURT: See, Mr. Maynard, let your lawyer speak

1 for you. Mr. Anderson is telling me what he thinks the facts
2 will show. I take everything both sides tell me with a grain
3 of salt. Sit tight. Mr. Anderson will make his argument.

4 Go ahead, Mr. Anderson.

5 MR. ANDERSON: And this is a proffer based on the
6 facts that were set forth in the Pretrial Services report and
7 also the criminal complaint.

8 And given those -- those facts, those give us a weight on
9 the scale on the side of saying, "This is somebody who is going
10 to have a lot of difficulty under Pretrial supervision."

11 On the other side of the scale, we haven't really seen
12 anything yet, except for a hope that generally somebody would
13 not leave their parents in a situation where they're losing
14 \$25,000.

15 So we're almost speculating on the other side against these
16 facts that we have developed in the case to say, "Well, usually
17 people act in a certain way." It's really not clear that
18 that's going to happen in this case because of everything we've
19 seen so far, the facts we do have saying that he's not going to
20 act the way that we usually expect people to act.

21 THE COURT: And there's a statutory presumption for
22 release, not detention?

23 MR. ANDERSON: Yeah.

24 THE COURT: All right. Ms. Labaree?

25 MS. LABAREE: So I want to go back to the ankle

1 monitor issue. I don't have a super extensive counterargument
2 here because I think a lot of the points can be sort of
3 collapsed into a few.

4 In terms of the ability of ankle monitor to track somebody,
5 we rely on that often in Pretrial Services situations with
6 people who have a track record of failing to appear, with
7 people who have a long criminal history of -- of offenses
8 ranging from those that are violent to those that are
9 theft-based, and, you know, motivated by greed or motivated by
10 poverty.

11 There's all sorts of very strong motivations that might
12 compel somebody to commit a violation of pretrial release,
13 including the desire to flee from a ten-year mandatory minimum,
14 for example, where we do find that ankle monitor is sufficient.
15 Because what it does is it puts a short leash, so to speak, on
16 somebody, such that the very capable Pretrial Services officers
17 will get an immediate notification if their person is on home
18 detention, which as we know is the highest form of this, and we
19 do rely on those mechanisms all the time in this court.

20 I understand the fear that this Court, and certainly the
21 prosecutor, is talking about in terms of what if the
22 worst-case-possible scenario happens here? That Mr. Maynard is
23 guilty as charged, which is, of course, unproven. And that
24 his, as the speculation goes, his compulsion is so strong that
25 he's not going to care about the ankle monitor, he's going to

1 be overcome.

2 I just think these things are ultimately speculative, and
3 those worse-case scenarios are what this Court would have to
4 find to be so convincing that it would outweigh the use of
5 ankle monitor and these other tools we have.

6 You know, I will go back to the fact that this man doesn't
7 have a car. So in terms of some -- just the practical reality
8 of what his mobility will be, it's severely shortened from the
9 original sort of tether that he had.

10 And, you know, I also think that one of the 3142(g) factors
11 is to look at this person's particular characteristics, and one
12 of those is whether he's been on pretrial or whether he was on
13 parole, probation, some type of court release. And one of the
14 questions you asked there -- and I know because I'm on the
15 other side of the argument often -- is if he's alleged to have
16 committed this instant offense while under supervision, under
17 another court system or this court system, why would we believe
18 that there's anything we can do to be sure that he will comply
19 with the conditions of release.

20 And in this case we just have absolutely no information
21 that he would, aside from the speculation of the fear.

22 So I think that, legally speaking, that the correct result
23 here, and honestly the just result for this particular person
24 who I do have every faith is going to comply, is for release
25 under these strict conditions.

1 THE COURT: Submitted, Mr. Anderson?

2 MR. ANDERSON: Your Honor, I'd ask that we, if
3 possible, hear from Pretrial Services about how quickly they
4 could realistically react to somebody cutting an ankle monitor.
5 My experience -- and we have had numerous people flee in this
6 district -- is that it's not happening quite as fast as
7 Ms. Labaree is suggesting.

8 THE COURT: But someone -- I had an after-hours duty
9 call this week because Pretrial was aware that an ankle monitor
10 had, in fact, been cut. They figured that out pretty quickly;
11 I signed a warrant. How long it takes to locate that person?

12 Look, in any -- any case there is a chance that someone is
13 going to skip town. Sometimes those people are caught right
14 away, sometimes it takes a long time to find them.

15 But that possibility which exists in every case does not
16 drive the detention or release calculus. And I am very aware
17 that the stakes are high in this case because of the
18 dangerousness of the charged conduct -- the charged offense
19 conduct.

20 Mr. Anderson is quite right to worry that if this were to
21 turn out to be among that very small -- very, very small
22 percentage of cases in which someone released actually does
23 flee, that the consequences could be grave. But that's also
24 not the question.

25 The question is whether there are proposed conditions that

1 reasonably assure appearance and safety, and I think -- I think
2 that if this defendant is monitored and his ability to travel
3 is slim to none, could he theoretically skip town and go commit
4 more arsons? Of course he could, but that is not the question.
5 Is that likely to happen? I think not.

6 So I'm going to grant the motion. I see Mr. -- I was just
7 about to ask Mr. Walker for some amendments to what he earlier
8 sent me, but he's already gotten me something, which is good.
9 Home detention, that's good, mental health, good. Barred on
10 public lands.

11 Mr. Walker, did you also send this to both counsel?

12 PRETRIAL SERVICES: Yes, I did.

13 THE COURT: Okay, great. So everyone should have in
14 their email inbox conditions, and I'm doing this over the
15 objection of the government and against the recommendation of
16 Pretrial Services.

17 And before I even go there, Mr. Maynard, I'm going to
18 address you directly.

19 The law requires me to come up, in most cases, with
20 conditions of release that are sufficient to make sure the
21 defendant comes to court and doesn't commit any other crimes
22 while the case is going on. And only in the rare case when
23 nothing short of jail is sufficient to do that, can I leave
24 someone in custody in a case like yours.

25 I can't make the finding that having you on home detention

1 is so much riskier than jail, that it's not good enough. But
2 you need to know a few things.

3 I'm going to order you released based upon a bond -- you
4 don't get released until Monday, in any case -- but when you
5 do, it will be on a basis of a bond that you and your father
6 cosigned, which means if you do try to escape responsibility
7 for this case and just disappear, your father is going to end
8 up owing the United States of America \$25,000.

9 Also, should you commit any other crimes while on pretrial
10 release, fail to appear for court while on pretrial release, or
11 violate any of the conditions of your supervision, including
12 the home detention, any of them, it is possible that a warrant
13 could go out for your arrest, and you could go back to jail for
14 the pendency of this case.

15 Given all of the factors that Mr. Walker and Mr. Anderson
16 have been emphasizing to me today, I can predict with a fair
17 amount of confidence that any messing up on pretrial
18 supervision is not going to get you a second chance. Because
19 everyone is very, very, very worried about you and about this
20 case, and I want to make that very clear.

21 So having -- having given you that lecture, I'm going to
22 order your release based on a \$25,000 unsecured bond to be
23 cosigned by your father, Gary Maynard. You are ordered to obey
24 all laws, make all your court appearances, and you will be
25 subject to Pretrial Services supervision under the following

1 special conditions of release.

2 You must report to and comply with all rules and
3 regulations of the Pretrial Services agency. Your release will
4 be delayed until Monday, the 13th, at 9:00 a.m. As soon as you
5 are released, you must report directly to Pretrial Services,
6 which is on the fifth floor of the federal courthouse building.
7 You must reside at --

8 PRETRIAL SERVICES: Your Honor?

9 THE COURT: Yes, sir.

10 PRETRIAL SERVICES: We're on the second floor.

11 THE COURT: I said fifth floor; that's the marshals.
12 He does not need to go to the marshals, he needs to go to
13 Pretrial Services, thank you, on the second floor.

14 You must cooperate with the collection of a DNA sample.
15 Your travel is restricted to the Eastern District of California
16 unless otherwise approved in advance by your Pretrial Services
17 officer.

18 You must surrender your passport to the Clerk of Court and
19 not apply for or obtain any passport or travel documents during
20 the pendency of this case. If you are unable to locate your
21 passport, you need to file a Declaration of Lost Passport
22 before September 17th.

23 You must not possess, have in your residence, or have
24 access to a firearm, ammunition, destructive device, or
25 dangerous weapon, and must provide written proof of divestment

1 of any such items under your control.

2 You must refrain from the excessive use of alcohol or any
3 use of a narcotic drug or controlled substance without a
4 prescription from a licensed medical practitioner.

5 You must notify your Pretrial Services officer immediately
6 of any prescribed medications. And you may not use marijuana,
7 even for medical reasons, even if it's prescribed by a doctor,
8 whether or not it's legal in California.

9 You must submit to drug and alcohol testing as directed by
10 your Pretrial Services officer, and pay for those services
11 based on your ability to pay as determined by the Pretrial
12 Services officer.

13 You must report any contact with law enforcement to your
14 Pretrial Services within 24 hours. You must participate in the
15 following location monitoring program component and abide by
16 all of the -- sorry, I lost where I was.

17 You'll have a location monitoring unit installed in your
18 residence and a radiofrequency transmitter device attached to
19 your person. You have to comply with all the requirements of
20 the program and all instructions related to the equipment
21 that's given to you by Pretrial Services or the monitoring
22 company. You will also pay for that based on your ability to
23 pay as determined by Pretrial Services.

24 You will be on home detention until further order of the
25 Court. That means you must remain inside the board and care

1 facility at all times except for employment, religious
2 services, medical, substance abuse, or mental health treatment.
3 This is with your attorney, court appearances, other
4 court-ordered obligations, or essential activities that are
5 pre-approved by the Pretrial Services officer. Please note I
6 said pre-approved, and essential activities include things like
7 haircuts, going to the DMV, going to the bank, other things
8 that cannot be done by someone else on your behalf.

9 You must participate in a program of medical or psychiatric
10 treatment, including treatment for drug or alcohol dependency
11 as approved by your Pretrial Services officer, and you must pay
12 all or part of the costs of such counseling services based on
13 your ability to pay as determined by the Pretrial Services
14 officer.

15 And during the pendency of this case, you must not enter
16 any state or federal park, forest, or other public land without
17 prior approval from the Court.

18 I've already advised you of the consequences of violating
19 any of those terms of release.

20 Anything further, Mr. Anderson?

21 MR. ANDERSON: Your Honor, two things. First, could
22 we have an additional condition that he not possess any
23 matches, lighters, or other fire-starting device or equipment?

24 And then the second is, could I ask that this be stayed for
25 at least a week so that I can appeal it to the district judge?

1 THE COURT: I was expecting that.

2 MR. ANDERSON: Respectfully, of course.

3 THE COURT: Of course. I will first add an
4 additional condition that will be number 16, that you shall not
5 have in your possession matches, lighters, or any other
6 fire-starting device or equipment.

7 And I am granting the government's request for a stay for
8 seven days.

9 What this means, Mr. Maynard, is that they are appealing my
10 decision, which they have every right to do. So even though I
11 told you you would be released at Monday morning at 9:00, that
12 will not happen because they have a week to file an appeal and
13 have a United States district judge review my decision.

14 Should the district judge affirm my ruling, you will then
15 be released on the next business day following that decision,
16 and your obligation to report to Pretrial Services kicks in the
17 day you are released.

18 If the district judge overturns my decision, then you stay
19 in jail.

20 Ms. Labaree, anything else from the defense?

21 MS. LABAREE: Not at this time, no.

22 THE COURT: All right. Thank you all very much, and
23 good luck to all.

24 MR. ANDERSON: Thank you, your Honor.

25 THE DEFENDANT: Thank you.

1 THE COURT: Court is adjourned.

2 (Proceedings adjourned: 3:08 p.m.)

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4 I, court-approved transcriber, certify that the foregoing
5 is a correct transcript from the official electronic recording
6 of the proceedings in the above-entitled matter.

7

8 /s/ Thresha Spencer
9 THRESHA SPENCER
CSR No. 11788, RPR

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